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Letter dated 9 October 2014 from the Chargé d'affaires of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the text of a general assessment by the Islamic Republic of Iran regarding the report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran, contained in document A/69/306 (see annex).

I should be most grateful if you would arrange to have the text of the present letter and its annex circulated as a document of the General Assembly, under agenda item 68 (c).

(*Signed*) Gholamhossein **Dehghani**
Ambassador
Chargé d'affaires, a.i.

14-62496 (E) 221014

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Annex to the letter dated 9 October 2014 from the Chargé d'affaires of the Permanent Mission of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

General assessment of the report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/69/306)

I. Introduction

1. The Government of the Islamic Republic of Iran is firmly determined to utilize its potential and capacity to the maximum extent in order to achieve the promotion and protection of all human rights. Iran's commitment to the promotion and protection of human rights is inherent, genuine and deeply rooted in the people's beliefs and values. It is intertwined with the nation's hopes for a brighter, happier, more prosperous and saner future. The Islamic Republic of Iran is firmly committed to the realization of all human rights and to providing the appropriate grounds for the realization of a civil society inside the country itself and in the outside world based on civilized behaviour and tolerance. The Islamic Republic of Iran does not claim that the realization of all human rights principles within the country is perfect. Obviously, no country can put forward such a claim. We are, however, of the view that Iran has directed its efforts to furthering and protecting human rights.

2. The report A/69/306, prepared by the Office of the United Nations High Commissioner for Human Rights in Geneva, is based on the politically motivated General Assembly resolution 68/184, the text of which has been introduced by Canada over the past 12 consecutive years. That resolution was not drafted to promote human rights, which is the main task of the United Nations human rights mechanisms; rather it is a text that was drafted only through the misuse of human rights mechanisms for political purposes. The Islamic Republic of Iran believes that Canada continues to ignore respect for the equal rights of all Iranian people, as stipulated in Article 1, paragraph 2, of the Charter of the United Nations, by submitting such a resolution.

3. The result of such an unhealthy resolution has led to the proliferation of reports under the name of the Secretary-General. The Permanent Mission of the Islamic Republic of Iran to the United Nations wishes to put forward the position of the Government of the Islamic Republic of Iran regarding the unjust prejudgement presented in document A/69/306. This Mission, together with the Permanent Mission of the Islamic Republic of Iran in Geneva, had submitted documented and cogent responses to the Secretary-General's previous reports in the hopes that they would be incorporated into the current report.

4. At the closing of paragraphs 3 and 4 of the report's introduction, prejudgement has taken the place of the provision of information. Thus, any opportunity for objective evaluation and analysis in the remainder of the introduction has been lost. As it stands, the introduction has changed into the final conclusion. This contradicts the structure one expects from a balanced and objective report.

5. Unfortunately, in many instances, the report has either not identified its sources or has included information received from partisan sources.

6. With regard to claims about the restriction of freedom of expression and certain social activities, we emphasize that legally protected freedoms should not be used as a cover for acts of terrorism; engaging in extremism; fomenting ethnic hatred; violence; and criminal activity. Geographically, the Islamic Republic of Iran is a neighbour to many difficult and challenging crises and, as such, it cannot afford to be complacent. However, as will be elaborated later in detail, we, once again, stress that no one in Iran is prosecuted for merely engaging in social, media or ethnic activities.

II. Overview of the human rights situation of the Islamic Republic of Iran

A. Death penalty

7. The principle stance of the Islamic Republic of Iran on the death penalty has been repeatedly stated in official positions. Undue concentration on claims of the increased use of capital punishment in Iran, as mentioned in paragraph 6, and reliance on estimated numbers, while ignoring contributing factors and emerging threats as well as Iran's extraordinary circumstances, especially the astonishing increase in the production of narcotics in countries to the east of Iran, bring into question the credibility of the report. Additionally, there are conflicting figures for the rate of capital punishment, as well as the citing of figures, whose source is Amnesty International, which are among the highest estimates. According to official figures, in 2013, the share of narcotics-related executions compared with the overall number of capital punishment cases amounted to 80 per cent. The Islamic Republic of Iran borders the biggest producer of traditional narcotics in the world. This fact has made the fight against drug trafficking of strategic importance. The country has taken effective measures to stem the flow of drugs but has paid a heavy price in blood and treasure. To date, more than 3,200 police and army personnel have lost their lives in the line of duty, with an additional 12,000 injured. Each year, hundreds of millions of dollars are spent (an example is the expenditure of $700 million to secure the eastern borders) to combat trafficking and transit networks, as well as on prevention, treatment and the rehabilitation of addicts. According to the United Nations Office on Drugs and Crime (UNODC), globally, more than 80 per cent of narcotics seizures are made by the Islamic Republic of Iran. As numerous UNODC reports confirm, and as stated by the Executive Director of UNODC and the Deputy Secretary-General of the United Nations, the Islamic Republic of Iran is now the standard-bearer in the global fight against narcotics. The Islamic Republic of Iran is on the front line of the fight against drug trafficking and the transit of narcotics to other countries and, while collaborating with other States and the United Nations, has invested heavily and is using every available tool to stop this illicit trade. All of these efforts have come together to produce the highest number of seizures in the world. As stated earlier, the fight against narcotics has been extremely costly, both in human lives and treasure. In certain instances, owing to the refusal of other States to responsibly cooperate, the authorities have had to deal with the abduction of police officers by terrorists working for drug traffickers.

8. There is no doubt that in our surrounding region, violent extremism, terrorism, organized crime and drug trafficking work hand in hand. Given the gravity of the situation, it is necessary for all relevant countries and international organizations to seriously and responsibly work together.

9. The separate entry for Afghans who have been executed (para. 7) is surprising. The individuals in question had played a substantial role in trafficking narcotics and their punishment only demonstrated the serious intent and impartiality of Iranian laws and the conduct of Iran in combating the narcotics trade.

10. Contrary to the claim made in paragraph 8, international figures show that efforts made by the Islamic Republic of Iran, as well as the judiciary's resoluteness in combating drug trafficking, have dramatically reduced such crimes. Additionally, there are other countries which consider the narcotics trade to be a serious threat to their security and social well-being; they, too, are considering the use of capital punishment. The Islamic Republic of Iran has repeatedly announced its readiness to engage in regional and international efforts to uproot the production and trafficking of narcotics.

11. Paragraph 9 of the report seemingly prejudges the possibility of appealing drug-related sentences. According to the laws and regulations of the Islamic Republic of Iran, capital punishment is limited to the most serious crimes, which include, among others, the extensive trafficking of narcotics. Such crimes are very carefully considered by the court, in which the representative of the prosecutor as well as the accused and his/her lawyer must be present. Subsequently, a sufficient number of sessions are held in which the case is fairly heard and a sentence meted out. Such cases can be prosecuted only in the presence of a lawyer. Sessions in which a lawyer is not present are not considered official and subsequent verdicts and sentences have no legal force and may be quashed by the Supreme Court. Article 32 of the amended drug control code of 1997 states: "death sentences that are handed down in accordance with this code must be endorsed by the Chief Justice of the Supreme Court and the State Prosecutor General". Thus, the margin of error has been minimized, for if any of the officials cited above deem the sentence to be in violation of sharia or legal parameters, they have the authority to ask for a review or to quash the sentence. This protocol provides the accused with his/her full rights. With this in mind, claims of disregard for the above-mentioned protocol, when narcotics-related cases are prosecuted, are untrue and should be corrected.

12. Also, allegations about the execution of 197 individuals in 2014, mostly carried out in secret, are completely refuted. The organization that made the accusation must produce evidence so that the matter can be investigated. Public executions are carried out only in restricted circumstances (examples would be in the case of public outrage over a heinous crime or public executions as an effective deterrent to crime). Most capital punishment cases are reported by the national media. Therefore, the implementation of punishment in prison must not be considered as punishment in secret. Furthermore, all information on the implementation of the punishment is provided to the condemned individual's lawyer and immediate family.

13. In response to paragraph 10, the use of the death penalty has been specifically defined under Iranian law. Political activities are not among them. With regard to the allegation contained in paragraph 10 and the case of Gholamreza Khosravi Svadjany, the following information will demonstrate that he was engaged in terrorist activity and that his political views were not a consideration. Mr. Khosravi was tried on charges of collaboration with the MKO terrorist group. After the completion of legal proceedings and a hearing and the defence of the accused and that of his lawyers for all of his activities, including his efforts to advance the plans

of the above-mentioned terrorist group, such as gathering information and collecting and sending donations, the court, by citing articles 46, 47, 186 and 190 of the Islamic Penal Code, sentenced him to death. The sentence was appealed by the condemned, and the case was referred to the Supreme Court, which later upheld the sentence. Also, with regard to the contention that the new Islamic Penal Code, of 2013, could have been used to save Mr. Khosravi from the above-mentioned punishment, please note that the Supreme Court's verdict was issued on 7 March 2011, more than two years before the new code came into effect. Other claims contained in the paragraph are equally devoid of truth. Furthermore, the report's portrayal of a person with such a persistent record of terrorist activities as a social activist whose freedom of expression was violated is regrettable.

14. With regard to paragraph 11, on the execution of Mahafarid Amir-Khosravi, please note that under article 286 of the Islamic Penal Code, widespread and stark disruption of the economic system of the country is considered a major crime and, as such, is punishable by execution. In addition, Mr. Amir-Khosravi was guilty of money-laundering, bribery, the use of false documents and aiding forgery. His actions were economically disruptive and caused great damage (nearly $1 billion) to several banks. We point out that Mr. Amir-Khosravi was provided with a fair hearing, in numerous sessions, attended by his attorneys. After the verdict of the court of first instance was handed down, it was appealed. However, the appeals court upheld the original verdict. Iranian law, in a manner similar to that of many other countries, has devised capital punishment for individuals who severely disrupt the flow of the economy by engaging in criminal acts that violate the public's rights. Criminal investigation into the role of other individuals implicated in the case continues in a transparent fashion.

15. In paragraph 12 of the report, reference is made to the execution of 27 women in 2013. Although these figures are dubious, it should be noted that sentences disregard gender, for it cannot be a consideration. However, in many instances, authorities show leniency towards women, especially when implementing the sentence. As an example, in accordance with article 437 of the Islamic Penal Code, a pregnant woman cannot be subjected to *qesas* (retribution) before giving birth. Additionally, after delivery, the implementation of the sentence will be postponed as long as the life of the infant depends on the mother. Razeyeh Mirdamadi Baserl, also known as Farzaneh Moradi, was arrested on charges of the wilful murder of her husband by multiple stabbings. After the victim's immediate family petitioned the court, a thorough criminal investigation was conducted which led to the issuance of an indictment and the referral of the case to the province of Isfahan criminal court. Subsequently a panel of five judges heard the case and sentenced the defendant to *qesas*. The sentence was appealed by the condemned and her lawyer. As a result, the Supreme Court reviewed the case, but upheld the original sentence. Following the insistence of the victim's immediate family on the implementation of the sentence and the failure of court reconciliation efforts, the sentence was carried out. We point out that when committing the crime, Ms. Mirdamadi (Moradi) was 21 years of age and mentally mature. As such, there were no ambiguities in the dossier. Additionally, in the eyes of Iranian law (article 1062 of the civil code), marriage takes place when the couple clearly expresses their consent and wish by using words that convey their intention to marry. If an individual claims that she was forced into marriage, she has the possibility of petitioning the family court and asking for justice by requesting an annulment. In principle, claims of being forced into

marriage were made to elicit sympathy and cannot distort the criterion of fair hearings and influence a homicide investigation.

16. We express our appreciation for the correct understanding of the difference between execution and *qesas*, as mentioned in paragraph 13 of the report. In the past year, as a result of mediation by governmental and non-governmental organizations, 125 *qesas* cases were reduced to *diah* (payment of damages or blood money) or clemency and, subsequently, convicted individuals were spared from the death penalty. Additionally, the claim of 85 cases of *qesas* in the first five months of 2014 is not credible, nor is the source of this claim mentioned in the report. In the same paragraph, and in paragraph 14, a question about the Government's level of commitment to clemency in crimes which carry the death penalty, in accordance with the provisions of the International Covenant on Civil and Political Rights, is raised. In response, please note that, although in *qesas* cases the implementation of the sentence is dependent on the request of the next of kin, the Chief of the Judiciary, even after the finalization of the verdict, may decide not to issue the necessary permit. Therefore, for all practical purposes, the possibility still exists to stop the implementation of sentence and this, in itself can be considered to be a State pardon.

17. In cases which relate to the implementation of capital punishment for criminals who are below the age of 18, as mentioned in paragraphs 15 to 18 of the report, please note that the Islamic Republic of Iran, cognizant of its Islamic and humanitarian duties, is extremely flexible towards offenders who are below the age of 18. The cases of such individuals are heard in special courts, which make every effort to mete out light and minimum punishments. Homicide cases in which the culprit is mature but under the age of 18 are tried by provincial courts and in the presence of a panel of five judges. According to the law and Islamic sharia, wilful murder carries the *qesas* penalty. In such cases, the State is required only to investigate and determine wilful intent. The implementation of the verdict can be carried out only when requested by the owners of the blood. In accordance with existing procedure, even after the court's decision has been finalized and endorsed by the Supreme Court, the Reconciliation Commission will work to persuade the owners of the blood to forgive the culprit and change the *qesas* penalty to *diah* (blood money). In recent years, scores of offenders have been saved from *qesas*. The principled policy of the Islamic Republic of Iran in dealing with such cases is to encourage reconciliation, even by providing financial aid to offenders to enable them to pay *diah*. The judiciary has now established a working group to help prevent punishments that take the lives of offenders. The working group is affiliated with the Tehran Province Prosecutor General's Executive Committee on the Protection of Children and Adolescent Rights. The goal of the Committee is to promote reconciliation and prevent the implementation of *qesas* sentences. The Committee is staffed by volunteers, such as artists, representatives of non-governmental organizations, experts on children, and donors. If necessary, inviting influential people or the owners of the blood to help with the reconciliation effort and organizing meetings between members of the group and the judge can be arranged.

18. According to articles 88 and 89 of the Islamic Penal Code, punishments below the level of execution for individuals who, at the time of committing offense, were 9 to 15 years of age are transformed into rehabilitation. With regard to the case of Janat Mir, it should be noted that the justice department of the Province of Isfahan

has investigated the issue, but has been unable to find a record for a person by the name of Janat Mir.

19. Regarding sanitation and health care for prisoners, and responding to the claims included in paragraph 19, in spite of existing economic problems in Iran as a result of unlawful sanctions which have been imposed on the country, all the provisions related to sanitation and health care for prisoners have been implemented. All prisoners have appropriate access to medical treatment and highly specialized physicians, either inside or outside the prison. At the same time, ensuring sanitation and health care for prisoners and the cleanliness of their cells is guaranteed according to articles 102 to 118 of the rules of procedure for the organization of prisons. In addition, according to articles 9 and 10 of the Executive Regulations of Law on legal freedom and respecting civil rights, the inspection groups in different provinces are responsible for inspecting and investigating issues of individual civil rights in prisons. They visit different sections and cells in prisons in order to ensure respect for prisoners' civil rights. They interview prisoners in order to become well informed about their situations. In this regard, in 2013, there were 2,338 cases of inspection in prisons and 3,646 cases of inspection in detention centres which are under the control of disciplinary forces. During the first half of 2014, there were about 350 cases of inspection in prisons and 640 cases of inspection in detention centres which are under the control of disciplinary forces and the judiciary. It is necessary to mention that, during all these inspections, details were taken into consideration, such as controlling the space in which the prisoners are kept; separating and classifying the prisoners on the basis of their convictions (for minor culpable or criminal offences); separating juvenile offenders below 18 years of age from adult prisoners; separating prisoners with communicable or dangerous diseases; controlling the sanitary situation of prisons, etc. In case of any deficiencies, the inspectors give necessary orders for improving and ameliorating the situation.

20. It should be mentioned that the circulation of the rules of procedure for the implementation of the modality of inspection and control of detention centres and prisons, which was provided by the judiciary for better implementation of the laws and regulations and to further respect for legal freedoms and the protection of civil rights, indicates the seriousness of the judiciary in protecting the legal rights of prisoners and removing all deficiencies. Meanwhile, the inspection delegations for inspecting the individual civil rights of prisoners not only inspect on a regular basis. They can also visit prisons unexpectedly in order to inspect the sanitary and health situation and, at the same time, check on the responsible authorities of the prisons, making sure that they perform their duties appropriately.

21. Regarding paragraph 20 of the report, it should be noted that Kazemini Brojerdi, who was reportedly arrested for establishing extremist cults, lit some motorbikes and a bus on fire and carried illegal arms. After a legal procedure in the presence of his lawyer, he was sentenced to 10 years in prison. All claims regarding the above-mentioned prisoner, asserting inappropriate conditions concerning his place in prison or lack of access to medical facilities, are not valid and are groundless. According to the official reports, the above-mentioned prisoner has had repeated accessed to medical facilities. On May 2013, according to the report of the prison's doctor, he was sent to Modarres Hospital for a check-up. On the basis of the results of the tests that were performed in October 2013, no special problems were

reported. Also, he was checked by the prison doctor in April 2014 and, at the present time, he has no chronic or acute symptoms.

22. With reference to paragraph 22, according to official information, Mirhossein Mousavi enjoys health care and specialized medical care. The elements, such as blood pressure, blood lipids, health of the heart, etc., are under the control of a trusted family doctor on a regular basis. Furthermore, since May 2014, including from 10 to 23 June 2014, he was admitted to different specialized hospitals for further check-ups. According to the results of those examinations, he enjoys good clinical health. In addition, he has had access to visual and printed media and he has had periodic meetings with his family, including attending religious ceremonies, birthdays and funerals. Contrary to this report's claims, during the current Iranian year, he has enjoyed more privileges than in the previous year.

B. Situation of women

23. With regard to paragraph 23 of the report, it is noted that since the establishment of the Islamic Republic of Iran, special attention has been paid to the promotion and protection of women's rights and women's empowerment. To that end, as, to some extent, mentioned in the Secretary-General's report, Iran has put into place a wide range of measures to promote women's health care, education, employment and security and to combat women's poverty. Iran has also made efforts to eliminate violence against them.

24. The Islamic Republic of Iran has regarded the promotion of the cultural, social, economic and political status of girls and women as a key element in policymaking, legislation and national planning. In addition, the 20-year National Vision of the Islamic Republic of Iran (by the year 2025), as an interdisciplinary and overarching document, has set out, for the whole country, especially for those in the legislative, executive, and judicial branches, the important goal of Iranian society's enjoyment of social justice; legal freedoms; respect for dignity and human rights; social and judicial security; health; welfare; food security; social welfare; equal opportunities; appropriate income distribution; the enjoyment of an optimal environment; and a strong family foundation, free from poverty, corruption and discrimination. In this regard, and considering the major share of women and their effective role in Iranian society, the Government has continuously endeavoured to mainstream women's issues in the national development framework, while strengthening the family foundation, which has also been a part of the Government's agenda for development.

25. The human development index shows that Iranian women and girls have made outstanding progress in education, research, science, entrepreneurship, employment and health. Despite the existence of severe and unprecedented unilateral sanctions against our nation, Iranian women have moved towards excellence, progress and predetermined goals. It is worth noting, given the new Government's approach based on moderation, prudence and hope, that a new series of women's efforts and activities within the framework of women and family, as well as public discourse on moderation, has already started that, it is hoped, will accelerate the success of women and enhance their status. In the meantime, promoting the women's national organization to the level of Vice-Presidency for Women and Family Affairs has strengthened this hope. At present, the mission of the Vice-Presidency is to prepare the ground for the realization of a gender balance in different aspects of women's

life by taking a new approach and using all the existing potential and political will for more support of women's human rights. More institutes have been formed at different levels as follows:

(a) Appointing a women's affairs adviser within all ministries and government organizations;

(b) Promoting the role of the Family, Women and Youth Affairs Commission and the Women's Fraction in the Iranian Parliament;

(c) Promoting the role of the Women's Social and Cultural Council in the High Council of the Cultural Revolution;

(d) Establishing a centre for protecting women's and children's rights in the judiciary;

(e) Appointing a female adviser in all family courts, based on clause 3 of the single article of the Child/Family Protection Code (ratified 2012);

(f) Promoting the role of female police officers in the police system.

In addition, in order to improve women's status in legislation, the following new actions have been taken:

(a) Paying special attention to women's rights in the new Code of Criminal Procedure;

(b) Making it possible for non-governmental organizations involved in the protection of women's and children's rights to initiate a lawsuit and allowing them to attend court hearings and introduce evidence during legal proceedings (article 66);

(c) Creating the victims' fund in the Ministry of Justice to support women who have been victims of violence;

(d) Employing female law enforcement officers to interrogate and investigate female offenders (article 42);

(e) Instituting the domestic work protection code (2010);

(f) Amending articles 1 to 7 of the procedures of the women's part-time service law (2010);

(g) Drafting and formulating the bill on the provision of women's security against violence (2011).

26. With respect to paragraph 25, it should be noted that women in the Islamic Republic of Iran do participate in the Government cabinet as Vice-President; also, they have important positions in the judicial system, even as a Supreme Court judge, which is indicative of an accelerating upward trend in the status of women in the judicial system. Furthermore, the Guardian Council and the Expediency Council hold many consultations with women and their research through relevant committees. The report of the Millennium Development Goals achievements in the Islamic Republic of Iran shows an appropriate picture of women's progress in terms of the eight goals. The statistics show magnificent improvements in poverty and hunger reduction, education and health.

C. Freedom of expression and peaceful assembly

27. Some of the provisions of paragraphs 26 and 27 try to claim that the new Iranian President has failed to meet his promises. This claim is repeated in several paragraphs of the report, with the intention of criticizing Iran. In this regard, one should note that there was only a 10-month time span between the date that the new Iranian Government took office and the drafting of the report, while the realization of the promises and plans made during the campaign requires much more time. Nonetheless, even during this 10-month period, we witnessed commendable achievements in accordance with the President's promises, including an increase in per capita income; an increase in production (for example, a 12 per cent increase in wheat production); growth in employment; a drop in inflation; the preparation and implementation of a comprehensive health system, which will significantly reduce health-care costs, especially for the needy; delivering new, non-cash subsidies to the vulnerable strata of society; drafting the citizenship rights charter; attempts to increase the publication of books; restoring the responsibilities of publishers while reducing the Government's share and responsibility in the publishing of books; paying more attention to environmental issues and giving more monitoring power to the Environment Protection Organization, among other provisions.

28. Regarding paragraph 28, it should be noted that, according to article 24 of the Constitution of Iran, which addresses the freedom of the press, it had been explicitly mentioned that the details of this article should be specified by common law. Subsequently, this measure was included in articles 6 and 7 of the amended press law, enacted on 18 April 2000. Moreover, it should be mentioned that, according to article 73 of the Constitution, the interpretation of acts of law is a responsibility of the Parliament, while, at the same time, judges are allowed to interpret common law in order to extract the truth. Furthermore, countries are deemed competent to enact their own laws in compliance with the International Covenant on Civil and Political Rights. The provisions of article 19 of the Covenant have been taken into consideration in the press law of Iran.

29. Regarding paragraph 29, as stated earlier, according to article 24 of the Iranian Constitution, the press is free to express any content, unless it is in conflict with Islamic principles or with public rights. Also, the press law, enacted on 13 March 1986, and its subsequent amendments, chapter 4, articles 6 and 7, specify the limits of such freedom, while press-related crimes are explicitly stated in chapter 6, articles 23 through 35. Therefore, if a crime occurs, according to the press law, a competent court with the presence of a jury, as stated in chapter 7 of the law, shall hear the case in an open court session. Therefore, the freedom of the press and the observance of the natural and legal rights of individuals are mutual obligations, and, hence, there is no discrimination against journalists in this regard. While a few journalists are being tried on charges of violation of the law, thousands of other journalists and media organizations are freely performing their professional tasks. Furthermore, since paragraph 29 of the report presents undocumented statistics about the number of detained journalists, providing no exact arrest date, period of detention or the number of journalists who pleaded not guilty and were released, it deserves criticism. In addition, the serious crimes of journalists, such as insisting on publishing false information, spreading ethnic hatred and encouraging violent extremism and violence, are not mentioned in this paragraph.

30. Regarding paragraph 31, as will be mentioned in the following paragraphs, media activities in Iran are conducted in total freedom. Among thousands of Iranian press companies, only a few have been prosecuted for committing offences. On the alleged cases mentioned in this paragraph, it should be noted that the *Ebtekar* newspaper was banned only for three days in order for it to submit the required explanations to the relevant courts for publishing false information. Subsequently, after clarifying the issue, the newspaper resumed its activities and is currently active. *9-Dey* newspaper was banned only for a short time and resumed its activities after being examined by the Press Supervisory Board and receiving legal notice to observe the law and professional criteria more strictly, and it is currently active. On the basis of the information given in the previous paragraphs, and with reference to the cited legal articles, these punishments were imposed after fair legal proceedings were held and the offences of the abovementioned newspapers were established. As a result, paragraph 32 not only repeats false allegations, but also provides unnecessary recommendations arising out of prejudice, which must not be embodied in the structure of the Secretary-General's report.

D. Internet censorship

31. Regarding paragraph 33, as mentioned previously, the period of 10 months that the President has been in office has not been long enough for him to realize his promises. Nevertheless, activities, including developments in the field of communications and ease of access to the Internet, have been advancing the implementation of those promises. On the basis of existing information, Internet use per capita was determined to have been two kilobytes per second for each Iranian last year, while the plan is to upgrade the Internet capacity to one terabyte in the country. Of course, it should be mentioned that, despite the spread of the Internet and unlimited access for all walks of society, families, institutions and companies to the Internet at the present time, the Internet is still slow. Last year, the internal bandwidth was 620 gigabytes per second and today it has reached 820 gigabytes per second. On the issue of data transfer, as well as optical fibre and the wave capacity currently available, it is worth mentioning that during the first 100 days of President Rouhani's Government, 150 km of optical fibre was installed, and the network is growing rapidly.

32. Regarding paragraph 34, we would like to reiterate that, in the Islamic Republic of Iran, all media, print or digital, are treated in accordance with the law. Owing to the intensity of the threats and the spread of viruses like Stuxnet to the nation's internal networks, and also cyberattacks on the country's official institutions and espionage acts through well-known Internet servers, the Government decided to simultaneously establish the Internal Internet Network and with the Anti-Cybercrime Centre, in order to protect data and the networks. As a result, according to article 22 of the Computer Crimes Code, the judiciary was obliged to form the Committee to Determine the Criteria for Criminal Contents. This Committee includes representatives of the related bodies, under the chairmanship of the Attorney General. The Committee acts in accordance with laws and regulations to determine the criteria for deciding if an Internet site or network aims to jeopardize the society's public safety and security, promulgate offences against public morality, provide false information, support terrorist groups and perpetrate other similar actions. Related judiciary centres, on the basis of existing laws, investigate the offences committed by the caretakers of these Internet sites and

networks. This approach not only does not violate freedom of expression and public privacy, but it also paves the way for further ensuring the rights and privacy of citizens on the Internet. This action is also in line with the public demand that the Government defend the people's dignity, rights and privacy against those who broadcast personal and private information impudently, without permission. It is worth noting that the Ministry of Communications and Information Technology, in line with enforcing article 46 of the Fifth Development Plan, concerning the establishment and development of the National Information Network for the access of all citizens to a secure and high-speed Internet, has initiated the planning and implementation of the required infrastructure. This effort has, unfortunately, developed less than expected owing to the unlawful sanctions imposed on Iran. Nevertheless, as mentioned in paragraph 33, the Ministry is working to achieve the above-mentioned goals. On the basis of information received, allegations about, for example, the blocking of the Whatsapp and Instagram Internet sites, are baseless. Iranian Internet users have enough access to these sites. As stated, however, any Internet provider that commits a criminal act similar to those explained in the legal articles mentioned above will be subject to prosecution.

33. Regarding paragraph 35 of the report, Sassan Soleimani, a rookie director, committed the illegal act of deceiving girls and boys with the false premise of giving them an acting test and, without obtaining their consent, made a short video of a dance. The broadcasting of the video by some websites caused public agony and evoked public feelings. He was, therefore, prosecuted. Given the complaints filed by the subjects of the act upon being deceived by Mr. Soleimani, the presentation of evidence and indicia in the prosecutor's office, and the fact that they had no criminal record, they were immediately released on bail. As for the director of the video, further investigations were conducted and he was ultimately freed on bail in June 2014. His case is awaiting trial. In Iran, there are various cultural, sports and recreational programs for youth, and art colleges provide extensive training to all interested youth. Public opinion in Iran, which demands ethics and the dignity of the family, originates from the common values and norms respected by Iranian society and considers some actions as corruption worthy of rejection. Other allegations described at the end of paragraph 35 cannot be responded to, because the details and names of the people in the report have not been provided.

E. Situation of human rights defenders and activities

34. Regarding paragraphs 36 and 37 of the report, chapter 3 of the Constitution of the Islamic Republic of Iran, entitled the "Rights of the Nation", reiterates the legitimate freedoms of the Iranian nation, such as freedom of expression and legal demonstrations and assemblies. Of course, such freedoms are contingent upon not violating the principles of independence, freedom, national unity, Islamic teachings and the foundation of the Islamic Republic. In addition, in the Islamic Republic of Iran, as in many other countries, social activities, such as forming parties, societies or associations, are conditional upon respect for the rules and regulations pertaining to the activities of political and non-political parties, societies and associations as well as unions, Islamic associations or religious minorities. The arrest or detention of some people happens on the basis of the criminality of their actions, as indicated in the law. No one has been arrested in the Islamic Republic of Iran for exercising the right to peaceful assembly. For instance, while more than 40,000 lawyers with

permits from the bar associations are performing their services officially, only a few of them have committed criminal acts and therefore have been prosecuted.

35. With regard to paragraph 38, it is necessary to refer to the acts of lawyers outside of the authority given to them, in order to ascertain the truth of the allegation about lawyers being imprisoned. The report of the Secretary-General confirms that when lawyers breach their legal authority, and commit acts against their codes of conduct, they are subject to disciplinary action, and if such acts are criminal, after a finding of criminal culpability is legally issued against them, they will be punished upon a court order. Given that sufficient information had already been submitted several times regarding the people mentioned in paragraph 38 of the report, it is most unfortunate that the same cases are repeated in this year's report.

F. Treatment of religious and ethnic minorities

36. Regarding paragraphs 40 and 41, the official stance of the Islamic Republic of Iran on respecting the citizenship rights of the Bahais has been announced repeatedly in the past. On the basis of article 19 of the Constitution, people in Iran, from whichever tribe, enjoy equal rights. In addition, according to article 20 of the Constitution, all people, men and women, are covered equally by the law and enjoy all human rights, including social, political and cultural rights, compatible with Islamic tenets. According to articles 12 and 13 of the Iranian Constitution, Islam is the official religion of Iran, and Zoroastrian, Jewish and Christian Iranians are considered the only religious minorities who are free to practice their religion based on the law and who can follow their own religion and religious teachings. Their personal status is pursued by their selected associations. Alongside religious minorities, the citizenship rights of the followers of sects, such as the Bahais, are totally respected. Of course, respecting the citizenship rights of people is dependent upon their observing their legal duties and obligations in the society in which they live, because rights come with responsibility. The legal principle of rights and responsibilities is recognized in other legal regimes. Given that in Islamic religious beliefs the inquisition of beliefs is vehemently rejected, and article 23 of the Constitution clearly expresses that the "Inquisition of beliefs is forbidden and no one can be attacked or reprimanded for holding an opinion", contrary to the claims of extensive media and political propaganda, particularly by the representatives of the Bahais, no person is expelled from Iranian universities or imprisoned in Iran merely for holding an opinion. Unfortunately, in the Bahai sect, inquisition and the imposition of beliefs is considered normal. For example, if a Bahai student at university chooses an Islamic teachings course, he or she is pressured by the Bahai sect. It is repeatedly asserted that educational centres in the Islamic Republic of Iran, like those of other countries, are obligated to respect domestic rules and regulations.

37. If people, irrespective of their religion, sect or belief, abide by the rules and regulations, no one is permitted to ignore their rights. Otherwise, the law will be imposed on offenders and criminals in order to make them respect the rights of others. The issue is that some Bahais, incited by their so-called global centre, the "House of Justice", located in the Occupied Palestinian Territories, resort to organizational activities and promote their sectarian beliefs at universities. Such acts are against the rules and regulations of academic and educational centres and disturb most students, professors and staff while disrupting the public order of universities.

38. Unfortunately, the Bahai students who observe the rules and regulations in universities are under the pressure from the Bahai sect and are subjected to "administrative rejection" and "spiritual rejection" and are abandoned and proscribed by the sect. Such a policy of rejection is only a minor example of the violation of the citizenship rights of Bahais and the imposition of sectarian decisions by Bahaism. The Bahai political organization is administered through a sectarian hierarchy. The centre of this organization is in the Occupied Palestinian Territories. In lower levels, there are two main ranks: "continental advisers" and the "international community". These two ranks have very close relations with lower ranks such as "Iran followers". There are eight national-provincial boards and contacts operating under "Iran followers". All eight boards have a direct influence on students who are related to the organization. These students take orders from city officials of the Bahai sect, who themselves take orders from provincial and national contacts. Some of their orders related to educational affairs are in violation of their citizenship rights. In sum, the presence of Bahais at various levels, postgraduate and undergraduate, in Iranian universities indicates the fact that they are not being confronted for their beliefs. Regarding the extensive economic activities of Bahais in the private sector and their holding of various commercial facilities in Iran, necessary information was provided in earlier reports. It should be noted that, despite the colonial backgrounds of Bahais in Iran, there is a true determination in Iran to respect their citizenship rights. The evidence provided in the footnote to paragraph 41 (footnote 46) is quoted from an anonymous organization, particularly the claim about a court in Iran allegedly trying 20 Bahais and issuing verdicts for them in six hours, which tends to be baseless.

39. Regarding paragraph 42, recognizing Christianity as an official religion in the Constitution is not a reason for the judicial impunity of the Iranian followers of Christianity. As reiterated in paragraph 14 of articles 3 and 20 of the Iranian Constitution, all people are equal before the law. That is why no person shall be prosecuted merely for holding a belief, Christianity included, unless that person has committed an offence against the law, in which case that person is issued an order of culpability and indictment and is then tried in court. If the accused is found guilty, a punishment will be imposed by the court in proportion with the offence. In addition, building a church requires a permit from the municipality and other relevant organizations, in the same manner as for the construction of a mosque. According to the information received, claims on the issue of lash orders for some Christians who had attended a religious function (a mass) are totally invalid. The report does not cite any source or reference for this claim. As cited in the report, no one is executed on the accusation of apostasy in Iran. It is expected that such non-documented claims be omitted from the text of the report.

40. Regarding paragraph 43, Iranian society is multi-ethnic, with an old cultural and religious mixture. Therefore, in Iran, there are multiple ethnicities and ethnic groups. Labelling ethnic groups as "minorities" is not compatible with such a rich history, and the great significance of ethnicities and ethnic groups and their influential role in all national decision-making, such as in Parliament, the Assembly of Experts and other religious and administrative bodies, are stressed. Therefore, attributing crimes to persons should not be done in a discriminatory manner under cover of their belonging to a particular ethnicity. The Islamic Republic of Iran has repeatedly disseminated information to international organizations about the criminal and terrorist acts and violent extremism in some of the western areas

(Kurdistan areas near the Iranian borders with Iraq and Turkey) and eastern areas (Baluchistan areas near the borders with Pakistan and Afghanistan), and the serious insistence of Iran on separating criminal, terrorist and violent acts from ethnic activities is emphasized here. It is regrettable that, despite the repeated dissemination of information, the terrorists, who have committed murder, killed innocent people, blown up public places, oil and gas pipelines, carried weapons and explosives, taken people hostage and made propaganda for violent and sectarian extremism, are named in the present report as Arab, Baluch or Kurd "activists".

41. Regarding paragraph 43, Hadi Rashedi and Hashem Shabani are from Ramshir, Khoozestan Province; they are not from Ahvaz. They were arrested on the accusation of armed conflict through the formation of the terrorist and separatist extreme group called Al-Muqavemah Al-Shaibiyah Le-Tahrir Al-Ahvaz, as well as their deep activities for advancing the goals of this terrorist and extremist group. They were carrying war weaponry, such as pistols, AK-47 (Kalashnikov) assault rifles, machine guns, hand grenades, rocket-propelled grenades and related ammunition. They were designing and programming acts of sabotage and explosions in public buildings and military facilities. They were also planning to assassinate political figures, such as the President of the Islamic Republic of Iran. They inflicted a lot of damage by firing rocket-propelled grenades at some military facilities. They intimidated and coerced people in the city of Ramshir by firing at private houses and intentionally attacking and battering non-local labourers, aiming at inciting separatist and sectarian violence. Therefore, the case of the above-mentioned people was referred to the court after a comprehensive investigation and the issuance of an indictment. They were sentenced to execution, with reference to articles 183, 186, 190, 191, 193, 194, 105, 498 and 500 of the Islamic Penal Code, following a hearing of their defence by their appointed lawyers in the court. They appealed and the case was referred to the Supreme Court. Appeals Court Branch 32 rejected the appeal based on petition no. 9109970910500714, dated 15 December 2012, and according to the authority stipulated in paragraph A of article 265 of the Public and Revolutionary Courts Proceeding. As with Ali Chibshat and Seyyed Khaled Moosavi, they were sentenced on the charge of conducting terrorist acts, such as bombing oil and gas pipelines. Their file was dealt with in a court in Ahvaz and, based on the evidence and following a hearing, the verdict was issued. This verdict was appealed. The Supreme Court rejected the appeal.

G. Economic sanctions

42. Regarding paragraphs 45 to 51 of the report, given the deep negative impacts of unilateral economic sanctions on people from various social strata in terms of health, production, employment and transport by air and sea, which, according to the above-mentioned paragraphs of the report, have severely affected and violated all the human rights of the Iranian people, it is a matter of surprise that the report of the Secretary-General, without referring to the clear violation of human rights by the unacceptable political decisions resulting in the imposition of sanctions against the people of Iran, has solely requested parties to pay more attention to the impacts of sanctions on people. It would have been much more appropriate for the Secretary-General, as someone in a global position, to support the Iranian people's human rights and to condemn the nature of such oppressive sanctions against them. Is this a belief of the Secretary-General, that those in the global power hierarchy have the right to bluntly violate the entirety of the fundamental rights of other nations?

Should their right to health, food, employment, etc. be victim to those powers' political objectives? A clear and supportive stance on this notion is the least one would have expected from paragraph 51.

H. Cooperation with the United Nations human rights mechanism

43. With regard to the cooperation of the Islamic Republic of Iran with the United Nations human rights treaties system, the report is incomplete. In December 2013, the Islamic Republic of Iran submitted its first report on the implementation of the Convention on the Rights of Persons with Disabilities to the relevant committee. Furthermore, in May 2013, the Islamic Republic of Iran defended its second periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights.

44. With regard to paragraph 58, it appears that information supplied for the report on the cooperation of the Islamic Republic of Iran with the special procedures is not precise and, therefore, should be revised. According to documented and available information, available since 2013 and taken from 35 communications, Iran has sent 18 responses, which account for more than 50 per cent of the total correspondence. In the first six months of 2014, 17 communications were received, of which 3 have been responded to. Others are being considered, and will be responded to in due time.

45. With regard to paragraph 60, it seems that the paragraph, on Iran's second cycle of the universal periodic review, portrays an inappropriate image, with prejudgment and the use of negative terms, of the Iranian measures regarding the mechanism. The second national report of Iran on its implementation of the recommendations has been finalized and has already been submitted to the related department of the Human Rights Council. Therefore, it was expected that the paragraph would be revised.

III. Recommendations

46. With regard to paragraph 61, the report is appropriate in recommending the lifting, or at least a reduction of, sanctions against the people of Iran. In addition, as stated earlier, the 10-month period of the tenure of the President has not been enough for the materialization of all the goals and programmes that the new Government has pledged. It is necessary that these two issues be included in the recommendations of the report. The recommendation of the report for stopping execution should be omitted because 53 countries, including the Islamic Republic of Iran, sent a joint note to the Secretary-General on 11 March 2011 expressing their continued opposition to the General Assembly resolution on the moratorium on the use of the death penalty (resolution 67/176). These countries emphasized that capital punishment is an issue related to the criminal justice system and a mechanism which leads to the prevention of the most serious crimes. Therefore, this punishment should be assessed in terms of supporting the rights of victims and respecting the right to live in peace and security. Many of the countries which have maintained this punishment in their laws are acting according to their international obligations and their sovereign right, enshrined in the Charter of the United Nations, to provide for the social, cultural, legal and security needs of their people. No Member State has the right to impose its position on others. It should also be noted that each country is

entitled to choose its own judicial, legal, economic, cultural, political and social systems, without the interference and influence of other countries. Principles and goals stipulated in the Charter of the United Nations, particularly the provisions of Article 2, paragraph 7, reiterate that nothing in the Charter allows the United Nations to interfere in the internal affairs of countries. Therefore, the issue of maintaining or stopping capital punishment and the identification of the crimes punishable by capital punishment should be determined by each Member State, taking into consideration the interests of its people, the type of crime and the corresponding punishment, according to law. Any imposition on issues related to the jurisdiction of a Member State is in contravention to the Charter and international law. Given that more than 80 per cent of the executions in Iran are related to drug trafficking, it is more proper for the report of the Secretary-General to recommend that serious and effective measures be taken to form international and regional cooperation mechanisms for the reduction and elimination of the production and smuggling of narcotics and the prevention of drug-related crimes in eastern Iran. Such recommendations would strengthen the activities of UNODC in the region. The Islamic Republic of Iran has repeatedly welcomed such measures and considers them to be steps in the right direction towards upholding human rights. Iran has done its utmost to cooperate to the maximum degree possible with UNODC, which has acknowledged the contribution of Iran on various occasions.